

HOUSE BILL 2318

By DeBerry L

AN ACT to amend Tennessee Code Annotated, Title 71,
relative to temporary assistance to needy families.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, § 71-3-154(a), is amended by deleting subdivision (3) in its entirety and by substituting instead the following language:

(3) The family members are engaged in work activities as set forth in subsection (g), except as exempted by this part or by rule of the department;

SECTION 2. Tennessee Code Annotated, § 71-3-154(b)(1), is amended by deleting the word "eighteen" and the number "(18)" and replacing them with the word "twelve" and the number "(12)".

SECTION 3. Tennessee Code Annotated, § 71-3-154(c)(1), is amended by deleting the words and punctuation "shall not be subject to the deprivation standards for dependent children, and the department will apply an income standard that recognizes this circumstance", and by substituting instead the words "may disregard the new spouse in determining eligibility for three (3) months after the date of marriage".

SECTION 4. Tennessee Code Annotated, § 71-3-154(c), is amended by deleting subdivision (2) in its entirety.

SECTION 5. Tennessee Code Annotated, § 71-3-154(d), is amended by deleting the subsection in its entirety and by substituting instead the following language:

(d)

(1) Except as provided in this part or as otherwise required by federal law, no family shall receive assistance if that family includes an adult who has received temporary assistance from this program or the program of any other state or territory

for a total of sixty (60) months, whether or not consecutive, unless an exemption is granted pursuant to this part.

(2) As to a child who was not the head of a household or who was not married to the head of a household, the sixty (60)month time limit stated in subdivision (d)(1) shall not begin to run during the time that the child was a member of a family receiving assistance under this part.

(3) A family shall be eligible for temporary assistance beyond the sixty (60)month time limit stated in subdivision (d)(1) if:

(A) The family does not contain an adult;

(B) The caretaker relative is age sixty five (65) and older;

(C) The caretaker relative is caring for a disabled, or incapacitated, child relative or disabled adult relative, based upon criteria set forth in the department's rules;

(D) The caretaker relative is disabled, based upon criteria set forth in the department's rules; or

(E) As otherwise required by federal and state laws or regulations.

(4) The exemptions in subdivisions (d)(3)(A) through (E) are subject to the limitations for the percentages of individuals allowed to receive temporary assistance beyond sixty (60) months.

SECTION 6. Tennessee Code Annotated, § 71-3-154, is amended by deleting subsection (e) in its entirety, and by substituting instead the following language:

(e)

(1) No payment of assistance shall be made for an individual who is not the head of a household, who has not reached eighteen (18) years of age, who has a child who is at least sixteen (16) weeks of age in such person's care, and who has not successfully completed a high school education or its equivalent, unless the individual participates in educational activities directed toward the attainment of a high school diploma or its equivalent.

(2) No payment of assistance shall be made to an individual who is head of a household, who has not reached twenty (20) years of age, who has a child who is at least sixteen (16) weeks of age in such person's care, and who has not successfully completed a high school education or its equivalent unless the individual participates in:

(A) Educational activities directed toward the attainment of a high school diploma or its equivalent; or

(B) Thirty (30) hours of countable work activities as delineated in subsection (g).

SECTION 7. Tennessee Code Annotated, § 71-3-154, is amended by deleting subsection (g) in its entirety and by substituting instead the following language:

(g) All family members who are not otherwise exempt pursuant to rule of the department and who receive temporary assistance pursuant to this part shall engage in work, training or educational activities. The department shall define the types of activities by rule. These activities may include, but shall not be limited to, the following:

(1) Employment;

(2) Work experience activities;

(3) On-the-job training;

(4) Job search and job readiness assistance;

- (5) Community service programs;
- (6) Vocational educational training not to exceed twelve (12) months with respect to any individual;
- (7) Job skills and educational training related directly to employment;
- (8) Education directly related to employment, in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency;
- (9) Satisfactory attendance at a secondary school, in the case of a recipient who:
 - (A) Has not completed secondary school; and
 - (B) Is a dependent child or a head of a household who is nineteen (19) years of age or younger; or

SECTION 8. Tennessee Code Annotated, § 71-3-154, is amended by deleting subsection (h) in its entirety and substituting instead the following language:

(h)

(1) As a condition of eligibility, an applicant for or recipient of temporary assistance must agree to a personal responsibility plan developed by the department in direct consultation with the applicant or recipient. At least once each twelve (12) months throughout the period of continuous temporary assistance provided pursuant to this part, the department shall monitor and evaluate the personal responsibility plan to promote the recipient's success in gaining self-sufficiency.

(2)

(A) The personal responsibility plan shall require participation in personal responsibility activities as set forth in subsection (g).

(B) The personal responsibility plan shall also require the parent or other caretaker relative, regardless of age or disabling status, to enter a plan that requires, but is not limited to, the following:

(i) The children in the family attend school;

(ii) The children in the family receive immunizations and health checks;

and

(iii) The parent or caretaker relative cooperate in the establishment and enforcement of child support, including, but not limited to, the naming of the father of a child for purposes of paternity establishment, unless good cause not to cooperate exists, as defined by the department.

(C)

(i) Unless exempt, refusal or failure to engage in full-time employment, part-time employment or other training or other work preparation activities as set forth in subsection (g), without good cause, or the failure to cooperate in the establishment or enforcement of child support without good cause, shall result in denial of eligibility for, or termination of, temporary assistance for the entire family unit.

(ii) Failure to comply with the personal responsibility plan as required under subdivisions (h)(2)(B)(i) and (ii), without good cause, shall result in a percentage reduction with regard to the temporary assistance payment in the amount of twenty percent (20%) until such time as compliance occurs.

(3) The work requirements shall be excused for:

(A) A parent or caretaker relative who proves to the satisfaction of the department the existence of such person's temporary incapacity or permanent disability;

(B) A parent or caretaker relative who proves to the satisfaction of the department that such person must provide personal care for a disabled relative child or adult relative living in the home;

(C) A single parent with a child under sixteen (16) weeks of age;

(D) A person who is age sixty five (65) or older;

(E) A non-parental caretaker relative who chooses not to be included in the assistance group; and

(F) Such other exemptions as may be required by federal law or regulation, as well as such other exemptions as may be established by rule of the department in order to promote the purposes of this part.

(4) If, without good cause, a recipient of temporary assistance fails to comply with a child support or work plan requirement imposed by this part or prescribed within the personal responsibility plan, then the family shall be subject to appropriate sanction by the department, which may include termination of temporary assistance, until there is compliance with the requirement.

SECTION 9. Tennessee Code Annotated, § 71-3-154, is amended by deleting subsection (m) in its entirety.

SECTION 10. Tennessee Code Annotated, § 71-3-159, is amended by deleting the section in its entirety.

SECTION 11. Tennessee Code Annotated, § 71-3-163, is amended by deleting the section in its entirety.

SECTION 12. The department shall have the authority to implement the provisions of this act by public necessity rules to become effective July 1, 2007; provided, that permanent rules shall be promulgated in accordance with the provisions of the Uniform Administrative Procedures Act compiled at Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 13. This act shall not affect right and duties that matured, penalties that were incurred, or proceedings that were begun before its effective date.

SECTION 14. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 15. This act shall take effect on July 1, 2007, the public welfare requiring it. All provisions of this act relating to the promulgation of rules and regulations shall take effect upon becoming law, the public welfare requiring it.